

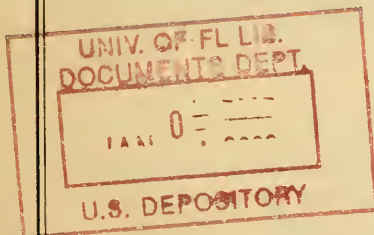
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

PACKAGING MACHINERY
INDUSTRY AND TRADE

AS APPROVED ON FEBRUARY 18, 1935



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AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

PACKAGING MACHINERY INDUSTRY AND TRADE

As Approved on February 18, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
PACKAGING MACHINERY INDUSTRY AND TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Packaging Machinery Industry and Trade, and a hearing having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

BARTON W. MURRAY,

Division Administrator.

WASHINGTON, D. C.,

February 18, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on an amendment of the Code of Fair Competition for the Packaging Machinery Industry and Trade, approved October 31, 1933, and amended July 17, 1934, to amplify and clarify the definition of the Industry, and to add certain provisions to the Articles of the Code relating to Employment, Wages, Hours, State Labor Regulations and Activities of the Code Authority. The amendment was proposed by the Code Authority for said Industry.

This amendment is designed to replace Section 1, Article II; Section 1 (d), Article VII; and Article IX; and to add Sections 2 and 3 to Article V; Section 1 (e) to Article VIII; and Sections 5 and 6 to Article X. A hearing on this amendment was held July 26, 1934. No objections were received.

FINDINGS

The Deputy Administrator, in his final report on said amendment, having found as herein set forth and on the basis of all the proceedings in this matter:

The National Industrial Recovery Board finds that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry, for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production, by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, the amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

FEBRUARY 18, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE PACKAGING MACHINERY INDUSTRY AND TRADE

ARTICLE II—THE INDUSTRY AND TRADE

Amend Section 1 to read as follows:

“The term ‘packaging machinery industry’, as used herein, is defined to mean the manufacture of power-driven automatic and semiautomatic or hand or foot operated machinery and/or equipment and parts thereof used in the manufacture of packages (except machinery and/or equipment for the manufacture of glass, wood and metal packages specifically included under codes of fair competition approved by the President) and nailing machines and machinery and/or equipment and parts therefor used in packaging processes and/or in the preparation of products for shipment, and such other related machines and/or equipment as may be incorporated in the definition of the industry upon approval of the President.”

ARTICLE V—EMPLOYMENT

Number sole paragraph in Article V as Section 1 and add Section 2 to read as follows:

“SECTION 2. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code.”

Add Section 3 to read as follows:

“SECTION 3. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards of safety and health shall be submitted by the Code Authority to the National Industrial Recovery Board within six months after the effective date of this amendment.”

ARTICLE VII—WAGES

Amend Section 1 (d) to read as follows:

“A person whose earning capacity is limited because of age or physical or mental handicap or other infirmity may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for, such employee.”

ARTICLE VIII—HOURS

Add sub-section 1 (e) to read as follows:

“For the purposes of providing factual information on the effects of the hours and wages provisions of this Code, each member of the Industry and/or Trade shall report to the Code Authority for the information of the National Industrial Recovery Board such statistics as the National Industrial Recovery Board may require.”

ARTICLE IX—STATE REGULATIONS

Amend Article IX to read as follows:

“No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.”

ARTICLE X—CODE AUTHORITY

Add Section 5 to read as follows:

“Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or non-feasance.”

Add Section 6 to read as follows:

“If the National Industrial Recovery Board shall at any time determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the National Industrial Recovery Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the National Industrial Recovery Board approves or unless it shall fail to disapprove after thirty (30) days' notice to it of intention to proceed with such action in its original or modified form.”

Approved Code No. 72—Amendment No. 2.
Registry No. 1399-30.



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